

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WEI YE,)
Petitioner)
)
v.)
)
LUIS SPENCER,)
Respondent)
_____)

Civil Action No. 04-11590-NG

**ASSENTED-TO MOTION FOR ENLARGEMENT OF TIME TO FILE
ANSWER OR OTHER PROPER RESPONSIVE PLEADING**

The respondent, through counsel, hereby respectfully requests that this Court grant him an enlargement of time until September 22, 2004, within which he must file his answer or other responsive pleading to the petition for a writ of habeas corpus. In support of the motion, the respondent states that, due to the press of a number of other matters, including; filing a motion to dismiss and memorandum of law in support in the case of *Budnick v. Hampden County Correction, et al*, U.S.D.C. No. 04-30092-MAP, on August 11, 2004, and an opposition to discovery in that case on August 20, 2004; and filing a brief in the case of *Commonwealth v. Michael Tannian*, Massachusetts Appeals Court No. 2004-P-403, on August 18, 2004. In addition, respondent is currently writing his brief in the case of *Pinero v. Verdini*, First Circuit No. 04-1197. The brief is due on September 8, 2004. The requested date for the enlargement of time to file an answer or other responsive pleading is two-weeks from that date.

The undersigned assistant attorney general requires the additional time to prepare an adequate answer or other responsive pleading, in this action.

Respectfully submitted,

THOMAS F. RILEY
ATTORNEY GENERAL

/s/ Daniel I. Smulow
Daniel I. Smulow, BBO 641668
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200 ext. 2949

Dated: August 23, 2004

Certificate of Compliance with Local Rule 7.1(A)(2)

I, Daniel I. Smulow, hereby certify that I spoke to Attorney Stephen Hrones, counsel for the petitioner, by telephone on August 20, 2004, and he assented to this motion.

/s/ Daniel I. Smulow